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13/150,531	06/01/2011	Richard F. Post	IL-10467	3213

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EXAMINER

ANDREWS, MICHAEL

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RICHARD F. POST

Appeal 2015-007027
Application 13/150,531
Technology Center 2800

Before PETER F. KRATZ, JAMES C. HOUSEL, and MICHEAL G.
McMANUS, *Administrative Patent Judges*.

KRATZ, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on an appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1, 2, 4, and 6–14. We have jurisdiction pursuant to 35 U.S.C. § 6.

Appellant's claimed invention is directed to an apparatus comprising an inner rotatable magnetic pole structure, a stationary outer ribbon support structure, and a plurality of ribbons attached to the support structure. According to Appellant, the apparatus can be employed as a magnetic bearing with the ribbons providing for centering of the rotating bearing element (Spec. ¶¶ 3, 13). Appellant acknowledges that magnetic bearing systems are known (Spec. ¶¶ 5–11; Figs. 1-4). Appellant discloses that the aim of the present invention is to provide for a novel combination of

elements that can satisfy stability requirements under static conditions and at low rotational speeds (Spec. 12, 13, 23; Fig. 5).

Claim 1 is illustrative and reproduced below:

1. An apparatus, comprising:
an inner rotatable magnetic pole structure, wherein said magnetic pole structure comprises permanent-magnet material and iron poles, wherein said permanent-magnet material is located between said iron poles:
a stationary outer ribbon support structure outside of and concentric with said inner rotatable magnetic pole structure, wherein said support structure is configured to remain stationary relative to said inner rotatable magnetic pole structure; and
a plurality of metal ribbons attached to said support structure such that each ribbon is tangent to or nearly tangent to said rotatable magnetic pole structure, wherein upon rotation of said inner rotatable magnetic pole structure, eddy currents produced in said ribbons will provide a repelling force between said magnetic pole structure and said metal ribbons.

The Examiner relies on the following prior art references as evidence in rejecting the appealed claims:

Post	US 5,495,211	Feb. 27, 1996
Lembke	US 6,469,411 B2	Oct. 22, 2002

The Examiner maintains the following ground of rejection:

Claims 1, 2, 4, and 6–14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lembke in view of Post.

After a review of the opposing positions articulated by Appellant and the Examiner and the evidence of obviousness adduced by the Examiner and the countervailing Declaration evidence furnished by Appellant, we

determine that the Appellant's arguments and evidence are insufficient to identify reversible error in the Examiner's obviousness rejection. *In re Jung*, 637 F.3d 1356, 1365 (Fed. Cir. 2011).

Accordingly, we affirm the stated obviousness rejection for substantially the fact findings and the reasons set forth by the Examiner in the Examiner's Answer and in the Final Office Action. We offer the following for emphasis.

Appellant argues the rejected claims together as a group. Accordingly, we select claim 1 as the representative claim on which we focus in deciding this appeal.

Appellant does not argue that Lembke fails to teach or suggest a magnetic bearing including a stationary outer ribbon support structure that is outside of and concentric with an inner rotor element and a plurality of metal ribbons attached to the support structure that corresponds to Appellant's stationary outer ribbon support structure and plurality of metallic ribbons as required by representative claim 1 (App Br. 3–4; Final Act. 4). Nor does Appellant dispute the Examiner's determination that Post teaches or suggests a magnetic suspension bearing system that includes a rotatable central magnetic pole structure having permanent magnet material located between iron poles, which structure corresponds to Appellant's inner magnetic pole structure as required by representative claim 1 (App. Br. 3–4; *see* Final Act. 5).

Rather, Appellant argues that the Declaration of “Dr. Richard F. Post shows that the combination of the two references will produce a structure that has both an inner magnetic pole structure and an annular magnet on the stator” which combination “will not increase the rotor's axial and radial

stability but will produce an unbalanced system” according to an approximation based on a specified computer program calculation conducted by Dr. Post (App. Br. 3–4; Decl. 2–3; attached code lines). Appellant contends that “[t]he examiner gives no weight to the Declaration by Dr. Post” and for reasons supported by the Declaration the rejection should be reversed (App. Br. 4).

However, the record reflects that the Examiner has considered and weighed the Declaration evidence (Final Act. 2–3; Ans. 2–3). Appellant does not address the Examiner’s criticisms leveled at the persuasiveness and weight to be attached to the Declaration evidence.

Consequently, Appellant’s argument fails to identify harmful error in the Examiner’s obviousness rejection.

It follows that we shall affirm the Examiner’s obviousness rejection for substantially the reasons set forth by the Examiner.

CONCLUSION

The Examiner’s decision to reject the appealed claims is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED